

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HAROLD E. MONTAQUE,

Plaintiff,

v.

ROYAL, *et al.*,

Defendants.

Case No. 3:25-cv-00250-ART-CSD

ORDER

On May 22, 2025, pro se plaintiff Harold E. Montaque, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not sign at the bottom of the application declaring under penalty of perjury that the information in the application is true**. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct this deficiency **by August 8, 2025**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 The Court will deny Plaintiff's application to proceed *in forma pauperis* without
6 prejudice and grant Plaintiff an extension of time to either pay the filing fee or file a new
7 fully complete application to proceed *in forma pauperis* with all three required documents.

8 II. CONCLUSION

9 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
10 is denied without prejudice.

11 It is further ordered that Plaintiff has **until August 8, 2025**, to either pay the full
12 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
13 all three required documents: (1) a completed application with the inmate's two signatures
14 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
15 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
16 previous six-month period.

17 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
18 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
19 to refile the case with the Court, under a new case number, when Plaintiff can file a
20 complete application to proceed *in forma pauperis* or pay the required filing fee.

21 The Clerk of the Court is directed to send Plaintiff Harold E. Montaque the
22 approved form application to proceed *in forma pauperis* for an inmate and instructions for
23 the same and retain the complaint (ECF No.1) but not file it at this time.

24
25 DATED: June 10, 2025.

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27 
UNITED STATES MAGISTRATE JUDGE